

## THIRD DIVISION

[ G.R. NO. 175830, July 10, 2007 ]

**PEOPLE OF THE PHILIPPINES, APPELLEE, VS. MANUEL "BOY" HERMOCILLA, APPELLANT.**

### ***DECISION***

**YNARES-SANTIAGO, J.:**

For review is the Court of Appeals' Decision<sup>[1]</sup> in CA-G.R. CR No. 01294, which affirmed with modifications the judgment<sup>[2]</sup> rendered by the Regional Trial Court of Agoo, La Union, Branch 31, in Family Case Nos. A-435 and A-436, convicting appellant Manuel "Boy" Hermocilla of two counts of rape committed against M.<sup>[3]</sup>

On January 14, 2005, appellant was charged with two counts of rape. The first Information reads as follows:

That on or about the year 1999, in the Municipality of x x x, Province of La Union, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, by means of force, threat and intimidation, did then and there willfully, unlawfully and feloniously, have sexual intercourse with his stepdaughter M, an eight (8) year old minor, against her will, to her damage and prejudice.

CONTRARY TO LAW.<sup>[4]</sup>

The second Information reads:

That on or about the year 2002, in the Municipality of x x x, Province of La Union, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, by means of force, threat and intimidation, did then and there willfully, unlawfully and feloniously, have sexual intercourse with his stepdaughter M, a[n] eleven (11) year old minor, against her will, to her damage and prejudice.

CONTRARY TO LAW.<sup>[5]</sup>

Appellant pleaded not guilty to the crimes charged. The two cases were consolidated and tried jointly.

The records show that M was born out of wedlock on May 30, 1989 to S<sup>[6]</sup> and L.<sup>[7]</sup> After they separated, M stayed with her mother L who subsequently cohabited with appellant. Sometime in 1999, while M was preparing dinner, appellant suddenly grabbed and pulled her to the bed. He ripped off her shorts and underwear and made her lie on the bed. After undressing himself, appellant inserted his finger into M's vagina then penetrated her with his penis. M cried and begged appellant to stop.

[8]

Thereafter, appellant would insert his finger into M's vagina whenever her mother is out of the house. Such abuse temporarily ceased when M lived with her father S in Baguio City. But when he left to work abroad, M went back to live with her mother and appellant. The abuse resumed and culminated in a second rape incident which took place sometime in 2002. On said day, while M was cleaning their house, appellant suddenly grabbed and pulled her towards the bed. He took off her clothes, undressed himself and inserted his finger into her vagina.<sup>[9]</sup>

Sometime in December 2004, appellant furiously hit M on the head and chased her out of the house with a bolo because she resisted his advances. M fled but appellant caught up with her and forced her to come back to the house. When M went to school the next day, her cousin saw her crying. M eventually broke down and revealed her ordeal.<sup>[10]</sup>

M was subsequently examined by Dr. Donna C. Villanueva, a Medical Officer at the Ilocos Training and Medical Center. The examination showed the following:

PHYSICAL EXAMINATION:

x x x x

Genitoperineal Area: triangular pubic hair distribution; hymen circular with healed laceration at 3, 6 & 9 o'clock position.

Speculum Examination: cervix-smooth, (-) erosions, (-) lesions, (-) bleeding.

Internal Examination: Introitus admits 2 fingers with ease; Cervix-firm, closed. Uterus-small, no palpable adnexal mass/tenderness.

LABORATORY RESULTS:

x x x x

Gram stain: No spermatozoa seen. x x x.<sup>[11]</sup>

Appellant denied the charges against him and testified that sometime in 2004 he was summoned by their barangay captain to answer questions regarding a complaint lodged against him by M. When he denied M's accusations, appellant claimed that he was mauled by several persons and was forcibly taken to the Police Station at Rosario, La Union where he was incarcerated.<sup>[12]</sup> Appellant claimed that he treated M like his own daughter. He bought her clothes and shoes and attended to her other needs.<sup>[13]</sup>

On June 30, 2005, the trial court rendered judgment finding appellant guilty beyond reasonable doubt of two counts of rape and sentenced him to suffer the penalty of death for each count.

After his motion for reconsideration was denied, appellant appealed to the Court of

Appeals which affirmed with modifications the decision of the trial court by reducing the penalty of death to *reclusion perpetua* and ordering appellant to pay P50,000.00 as moral damages and P50,000.00 as civil indemnity, for each count of rape.

In this appeal, appellant assails M's credibility claiming that her failure to confide the alleged rape to her mother, father and grandmother despite several opportunities to do so renders such accusations doubtful. We find this contention untenable.

Time and again, we have held that when a woman, more so if a minor, states that she has been raped, she says in effect all that is necessary to show that rape was committed. For no woman, least of all a child, would weave a tale of sexual assaults to her person, open herself to examination of her private parts and later be subjected to public trial or ridicule if she was not, in truth, a victim of rape and impelled to seek justice for the wrong done to her.<sup>[14]</sup>

Conclusions as to the credibility of witnesses in rape cases lie heavily on the sound judgment of the trial court because the trial judge enjoys the peculiar advantage of observing directly and at first hand the witnesses' deportment and manner of testifying. He is, therefore, in a better position to form accurate impressions and conclusions on the basis thereof.<sup>[15]</sup>

The trial court found M's testimony to be credible:

The accused's defense was denial. He said that the charges were made up because M's relatives did not like him. He was once suspected of selling the fertilizers which he did not own. He could not have done those charges against him because he loved his stepdaughter, M.

Who should be believed?

The Court believes the private complainant. She could not have made these stories up. x x x

When she was testifying she cried several times. The Judge of this Court observed that her cries were expressions of outrage, reminding her, when being questioned by the lawyer, of those incidents that her stepfather did to her. While she could not pinpoint the exact dates, she could vividly remember the things done to her.

It is the finding of the Court that accused Manuel "Boy" Hermocilla raped his stepdaughter. x x x<sup>[16]</sup>

The Court of Appeals affirmed the findings of the trial court, to wit:

The aforequoted testimony of the complainant reveals that the same was marked by spontaneity, honesty and sincerity. It is a cardinal rule that when the testimony of the victim is simple and straightforward, the same must be given full faith and credit. We reiterate the rule that the accused could be convicted solely on the basis of the victim's testimony if credible. Here, We see no reason to deviate from the trial court's determination as to the credibility of complainant's testimony.<sup>[17]</sup>